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SUBJECT: NATIONAL ASSEMBLY PRESSES FORWARD ON MEDIA LAW

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Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASON 1.4(d)

SUMMARY

1. (C) Venezuela's National Assembly approved 17 more articles in sessions on November 9, 11, 15, and 18. A top priority of President Hugo Chavez, the GoV seeks to complete the legislation by December 15. Beginning November 8, opposition parties withdrew from negotiations begun on September 23 with Minister of Communication Andres Izarra. Deputies postponed discussion of articles establishing the criteria for independent producers, which is likely to stir the most heated debate. With a total of 36 articles to discuss prior to approval, and a month to finish discussion, most observers and participants in the debate expect passage of the law, incorporating a few, relatively insignificant changes, by the end of the 2004 legislative session in December. END SUMMARY.

PRESSURE FROM THE TOP

2. (U) Minister of Communication and Information Andres Izarra is leading the government's public campaign in support of the media content law. Seeking to undermine media and opposition claims that the law is meant to censor the media and help strengthen President Hugo Chavez's control of the country, Izarra has sought to portray the law simply as a measure to protect children, parents, and families from inappropriate language, violence, and sexual content. On September 23, Izarra installed a "technical committee" to discuss the law's provisions, and come to agreement on priorities and specific bill language.

COMMUNICATIONS MINISTER ADMITS LAW IS "IMPOSSIBLE TO APPLY"

3. (U) In an interview with daily "El Universal" published on 10/17, Izarra admitted that the law is impossible to apply at the present time. He said implementation would have to be gradual until enough national independent producers (NIPs) come on-line and can fulfill the NIP quota as prescribed in the law. Izarra admitted that in the meeting deputies convinced him that some articles need to be "refined and made more precise" because they are "not viable" as currently written. He also called the law's requirement that NIP's have no connection what-so-ever to the media "an aberration" and "unsustainable."

THE VIEW FROM THE LEGISLATURE

4. (U) The National Assembly is two-thirds of the way through the second required reading of the bill. In a sign of how emotional the debate has been, attempts to begin this reading were marred by a near fist-fit, televised from the assembly floor.

5. (C) Opposition legislators echo concerns raised by the media, particularly regarding the national telecommunications

agency's (CONATEL's) role in the implementation of the law. The National Assembly's Media Committee President, Luis Berdugo (Accion Democratica), told Poloff he believed the strong push for the law before the October 31 regional elections was a move to "turn up the heat" and change the subject of the national debate away from allegations of fraud in the recall referendum. He told Poloff that the opposition's only tactics are to "denounce, delay, and distract," but thinks the effort is futile, predicting passage of the law (with a few changes) before year's end.

6. (C) In a conversation with Poloff on October 25, Primero Justicia deputy Gerardo Blyde expressed optimism that Communications Minister Izarra was willing to negotiate in

good faith to improve the law, incorporating some modest but important changes favored by the media. Blyde, who says he has known the minister for many years (since "before he was a Chavista") regarded Izarra as a reasonable interlocutor and negotiator. Blyde said the test would be to see if President Chavez continued to allow Izarra to negotiate, or forced a harder line. Citing a new lack of GoV willingness to negotiate, on November 8 Blyde announced that the Primero Justicia party would withdraw from the "technical committee." The following day, first Accion Democratica (A.D.), then Copei and La Causa R also withdrew from the discussions.

17. (C) Pro-GoV proponents of the law have been unwilling to discuss it with Poloff. Appointments were twice canceled and not rescheduled. However, one MVR deputy who is a proponent of the law, when approached in another setting, repeated the GoV's talking points about the "protection of children and families" nature of the law, and when challenged about the "no violence" journalism concerns, sought to reassure Poloff that the language was being changed to loosen those restrictions and that the news media had nothing to worry about.

CONDEMNATION AND CONCERN FROM NGO'S

18. (U) In November, several NGO's that deal with press issues have expressed their serious concern over the intent and likely effects of the law. Chief among them are the Inter-American Human Rights Commission (under the Organization of American States), the Inter-American Press Association (IAPA), and Reporters without Borders. IAPA released a strongly worded statement after their annual conference in Guatemala, while the IAHRC statement provoked a quick reply from the Minister of Communications, who termed it unwelcome interference in domestic affairs. While Human Rights Watch has not recently commented on the law, their top Venezuela expert in Washington told Poloff earlier this fall that the content law and the overall issue of freedom of the press is the organization's top priority in Venezuela presently.

COMMENT

19. (C) The National Assembly is pressing article by article to pass the media content law. Pro-GoV deputies have the simple majority needed for passage. For their part, much of the media now seem resigned to their fate. Union Radio, the largest news radio station in the country, last week announced a revamped broadcast schedule, which they said

would include less opinion-based programming.
Brownfield